UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,322	12/21/2001	John R. Fredlund	82829SHS	5929

7590   06/30/2005

Thomas H. Close
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER
HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *21 March 2005*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *24 and 25* is/are allowed.

6) ☒ Claim(s) *1-15 and 18-23* is/are rejected.

7) ☒ Claim(s) *16 and 17* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *30 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Examiner acknowledges the amendments made the claims received on March

21, 2005. Claim 13 has been amended.

Response to Arguments

2.   Applicant's arguments filed on March 21, 2005 have been fully considered but

they are not persuasive.

In Page 8, lines 5-21, the Applicant contends that Taylor does not disclose a

processor that produces motion sequences that include visible adjacency effects.

Examiner respectfully disagree, in col. 4, line 59 – col. 5, line 24, Taylor teaches that the

operator can define the comb subset of a motion image sequence (This means that the

user can select a group of consecutive images that belongs to a motion sequence, by

doing this the user is including adjacency effects in the obtained lenticular image).

Allowing the user to select the comb subset of a motion image sequence also allow to

verify if a new selected image maintain adjacency effects with the previous selected

images in a set of images. Taylor also teaches that the operator can also select the first

and last image in a stored motion image (In the case of the system being capable of

creating a lenticular image containing ten frames, the user can also select a first image

and a last image, wherein the last image is the tenth in the sequence). Although Taylor

does not give a specific example of the cases above, the user is able obtain the

lenticular images as described above using the system, either with or without the

adjacency effects visible in the lenticular hard copy.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   **Claims 1-15 and 18-23** are rejected under 35 U.S.C. 102(b) as being anticipated

by Taylor, US Patent 5,956,083.

Regarding claim 1, Taylor discloses a digital camera (Fig. 1) for capturing

images to be provided to a lenticular apparatus, comprising: a digital camera (Fig. 1:

101) that can capture digital images; a memory (Fig. 1: 110) that stores the captured

digital images; a processor (Fig. 1, items 114, 118 and 122) for processing the captured

digital images; a display (Fig. 1: 102) for displaying a motion sequence of captured

images; and a user interface (Fig. 1: 138) on the digital camera that enables a user to

select a subset of the captured digital images and store the selected subset of the

captured digital images in the memory prior to transmitting to a lenticular apparatus for

constructing a lenticular hardcopy of the subset of the captured digital images, wherein

the processor is used to produce a processed motion sequence including adjacency

effects that will be visible in the lenticular hardcopy (In col. 4, line 59 – col. 5, line 24,

Taylor teaches that the operator can define the comb subset of a motion image

sequence, which means that the user can select a group of consecutive images that

belongs to a motion sequence, by doing this the user is including adjacency effects in

the obtained lenticular image; also teaches allowing the user to select the comb subset

of a motion image sequence also allow to verify if a new selected image maintain

adjacency effects with the previous selected images in a set of images; by teaching that

the operator can also select the first and last image in a stored motion image, teaches

that in the case of the system being capable of creating a lenticular image containing

ten frames, the user can also select a first image and a last image, wherein the last

image is the tenth in the sequence), and the display is used to display the processed

motion sequence (Col. 4, line 33 – col. 5, line 40; col. 6, line 37 – col. 7, line 53).

Regarding claim 2, Taylor discloses that the captured digital images are

selected from a sequence of motion burst digital images (Col. 4, line 33 – col. 5, line

40).

Regarding claim 3, Taylor discloses that the sequence of motion burst digital

images is displayed at a rate differing from a capture rate (Col. 4, line 43 – col. 5, line

40).

Regarding claim 4, Taylor discloses that the subset of captured digital images

includes a number of frames corresponding to the lenticular hardcopy (Col. 4, line 43 –

col. 5, line 40).

Regarding claim 5, Taylor discloses that the number of frames is dictated by the

digital camera (Col. 4, line 43 – col. 5, line 40).

Regarding claim 6, Taylor discloses a digital camera for capturing images to be

provided to a lenticular service provider, comprising: a digital camera (Fig. 1: 101) that

can capture digital images; a memory (Fig. 1: 110) that stores the captured digital

images; a user interface (Fig. 1: 138) that enables a user to select a subset of the

captured digital images; a display (Fig. 1: 102) for displaying a motion sequence of captured images; a processing unit (Fig. 1, items 114, 118 and 122) that combines the selected subset of the captured digital images into a single formatted digital image for lenticular display; wherein the processing unit is used to produce a processed motion sequence including adjacency effects that will be visible in a lenticular hardcopy (In col. 4, line 59 – col. 5, line 24, Taylor teaches that the operator can define the comb subset of a motion image sequence, which means that the user can select a group of consecutive images that belongs to a motion sequence, by doing this the user is including adjacency effects in the obtained lenticular image; also teaches allowing the user to select the comb subset of a motion image sequence also allow to verify if a new selected image maintain adjacency effects with the previous selected images in a set of images; by teaching that the operator can also select the first and last image in a stored motion image, teaches that in the case of the system being capable of creating a lenticular image containing ten frames, the user can also select a first image and a last image, wherein the last image is the tenth in the sequence), and the display is used to display the processed motion sequence; and wherein the single formatted digital image is stored in the memory (Fig. 1: 146) prior to the lenticular service provider constructing the lenticular hardcopy of the subset of the captured digital images (Col. 4, line 33 – col. 5, line 40; col. 6, line 37 – col. 7, line 53).

     Regarding claim 7, Taylor discloses that the captured digital images are selected from a sequence of motion burst digital images (Col. 4, line 33 – col. 5, line 40).

Regarding claim 8, Taylor discloses that the sequence of motion burst digital

images is displayed at a rate differing from a capture rate (Col. 4, line 43 – col. 5, line

40).

Regarding claim 9, Taylor discloses that the subset of captured digital images

includes a number of frames corresponding to the lenticular hardcopy (Col. 4, line 43 –

col. 5, line 40).

Regarding claim 10, Taylor discloses that the number of frames is dictated by

the digital camera (Col. 4, line 43 – col. 5, line 40).

Regarding claim 11, Taylor discloses a system (Fig. 1) for creating a lenticular

hardcopy from captured images, comprising: a digital camera (Fig. 1: 101) that captures

digital images; a memory (Fig. 1: 110) for storing the captured digital images; a

processor (Fig. 1, items 114, 118 and 122) for processing the captured digital images, a

display (Fig. 1: 102) for displaying a motion sequence of captured images, a user

interface (Fig. 1: 138) for selecting a subset of the captured digital images, wherein the

processor is used to produce a processed motion sequence including adjacency effects

that will be visible in the lenticular hardcopy (In col. 4, line 59 – col. 5, line 24, Taylor

teaches that the operator can define the comb subset of a motion image sequence,

which means that the user can select a group of consecutive images that belongs to a

motion sequence, by doing this the user is including adjacency effects in the obtained

lenticular image; also teaches allowing the user to select the comb subset of a motion

image sequence also allow to verify if a new selected image maintain adjacency effects

with the previous selected images in a set of images; by teaching that the operator can

also select the first and last image in a stored motion image, teaches that in the case of

the system being capable of creating a lenticular image containing ten frames, the user

can also select a first image and a last image, wherein the last image is the tenth in the

sequence), and the display is used to display the processed motion sequence prior to

transmitting the selected subset of the captured digital images (Col. 4, line 33 – col. 5,

line 40; col. 6, line 37 – col. 7, line 53). Taylor inherently discloses a communication

channel that transmits the selected subset of the captured digital images to an

apparatus that constructs the lenticular hardcopy from the selected subset of captured

digital images when teaching that that a printer will be used to create the lenticular

image formed (Col. 5, lines 24-40).

Regarding claim 12, Taylor discloses that the subset of the captured digital

images is selected from a sequence of motion burst digital images. (Col. 4, line 33 – col.

5, line 40).

Regarding claim 13, Taylor discloses a system (Fig. 1) for creating a lenticular

hardcopy from captured images, comprising: a digital camera (Fig. 1: 101) that captures

digital images; a memory (Fig. 1: 110) for storing the captured digital images, a user

interface (Fig. 1: 138) for selecting a subset of the captured digital images; a processing

unit (Fig. 1, items 114, 118 and 122) that combines the selected subset of the captured

digital images into a single formatted digital image for lenticular display, wherein the

processing unit is used to produce a processed motion sequence including adjacency

effects that will be visible in a lenticular hardcopy (In col. 4, line 59 – col. 5, line 24,

Taylor teaches that the operator can define the comb subset of a motion image

sequence, which means that the user can select a group of consecutive images that belongs to a motion sequence, by doing this the user is including adjacency effects in the obtained lenticular image; also teaches allowing the user to select the comb subset of a motion image sequence also allow to verify if a new selected image maintain adjacency effects with the previous selected images in a set of images; by teaching that the operator can also select the first and last image in a stored motion image, teaches that in the case of the system being capable of creating a lenticular image containing ten frames, the user can also select a first image and a last image, wherein the last image is the tenth in the sequence) (Col. 4, line 33 – col. 5, line 40; col. 6, line 37 – col. 7, line 53). Taylor inherently discloses a communication channel that transmits the single formatted digital image to a service provider with an apparatus that constructs the lenticular hardcopy from the single formatted digital image when teaching that that a printer will be used to create the lenticular image formed (Col. 5, lines 24-40).

Regarding claim 14, Taylor discloses that the subset of the captured digital images is selected from a sequence of motion burst digital images. (Col. 4, line 33 – col. 5, line 40).

Regarding claim 15, Taylor discloses a method of selecting motion burst still images for lenticular motion card display:

a) navigating through a set of motion burst still images such that a first endpoint is found (Col. 4, line 59 – col. 5, line 40);

b) navigating through the set of motion burst still images such that a second endpoint is found (Col. 4, line 59 – col. 5, line 40);

c) displaying the set of motion burst still images (Col. 4, lines 41-57);

d) selecting a subset of the motion burst still images corresponding to the second endpoint (Col. 4, line 59 – col. 5, line 40);

e) storing the subset of motion burst still images onto a memory device (Col. 4, line 59 – col. 5, line 40);

f) producing from the subset of motion burst still images, a processed motion sequence including adjacency effects that will be visible in a lenticular hardcopy (In col. 4, line 59 – col. 5, line 24, Taylor teaches that the operator can define the comb subset of a motion image sequence, which means that the user can select a group of consecutive images that belongs to a motion sequence, by doing this the user is including adjacency effects in the obtained lenticular image; also teaches allowing the user to select the comb subset of a motion image sequence also allow to verify if a new selected image maintain adjacency effects with the previous selected images in a set of images; by teaching that the operator can also select the first and last image in a stored motion image, teaches that in the case of the system being capable of creating a lenticular image containing ten frames, the user can also select a first image and a last image, wherein the last image is the tenth in the sequence)(Col. 4, line 33 – col. 5, line 40; col. 6, line 37 – col. 7, line 53),

g) displaying the processed motion sequence (Col. 5, lines 41-57), and

h) transmitting the subset of motion burst still images to an apparatus that constructs the lenticular hardcopy from the selected subset of motion burst still images (Col. 4, line 59 – col. 5, line 40).

Regarding claim 18, Taylor discloses a method for selecting digital images for

lenticular motion card display:

a) processing a set of digital images to create corresponding adjacency effects

(Col. 4, line 33 – col. 5, line 40; col. 6, line 37 – col. 7, line 53);

b) displaying the set of digital images with adjacency effects (Col. 5, lines 41-57);

c) storing the set of digital images onto a memory device (Col. 4, line 59 – col. 5,

line 40); and

d) transmitting the set of digital images to an apparatus that constructs a

lenticular hardcopy from the set of digital images with adjacency effects (Col. 4, line 59

– col. 5, line 40).

Regarding claim 19, Taylor discloses that the set of digital images is selected

from a sequence of motion burst digital images (Col. 4, line 33 – col. 5, line 40).

Regarding claim 20, Taylor discloses that the sequence of motion burst digital

images is displayed at a rate differing from a capture rate (Col. 4, line 43 – col. 5, line

40).

Regarding claim 21, Taylor discloses that the set of digital images includes a

number of frames corresponding to the lenticular hardcopy (Col. 4, line 43 – col. 5, line

40).

Regarding claim 22, Taylor discloses that the number of frames is dictated by a

digital camera (Col. 4, line 43 – col. 5, line 40).

Regarding claim 23, Taylor discloses a digital camera (Fig. 1) for capturing

motion images to be provided to a lenticular service provider, comprising: a digital

camera (Fig. 1: 101) that can capture motion burst digital images according to predetermined parameters of a lenticular media; a memory (Fig. 1: 110) that stores the captured motion burst digital images; a processor (Fig. 1, items 114, 118 and 122) for processing the captured motion burst digital images; and a display (Fig. 1: 102) for displaying a motion sequence of captured images, wherein the processor is used to produce, from the captured motion burst digital images, a processed motion sequence including adjacency effects that will be visible in a lenticular hardcopy (In col. 4, line 59 – col. 5, line 24, Taylor teaches that the operator can define the comb subset of a motion image sequence, which means that the user can select a group of consecutive images that belongs to a motion sequence, by doing this the user is including adjacency effects in the obtained lenticular image; also teaches allowing the user to select the comb subset of a motion image sequence also allow to verify if a new selected image maintain adjacency effects with the previous selected images in a set of images; by teaching that the operator can also select the first and last image in a stored motion image, teaches that in the case of the system being capable of creating a lenticular image containing ten frames, the user can also select a first image and a last image, wherein the last image is the tenth in the sequence) produced using the lenticular medium and the display is used to display the processed motion sequence prior to transmitting a selected subset of the captured digital images (Col. 4, line 33 – col. 5, line 40; col. 6, line 37 – col. 7, line 53).

Allowable Subject Matter

5.   **Claims 24 and 25** are allowed.

6.   The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 24 and 25, the main reasons for indication of allowable subject matter is because the prior art of records fails to teach or reasonably suggest a hybrid film/digital camera for capturing images to be provided to a lenticular apparatus, comprising: a camera that can simultaneously capture digital images and film images in a one-to-one matched relationship, wherein the user selects a subset of the captured film images, corresponding to displayed digital images, and record the selection on film prior to delivering a plurality of film images for processing and scanning such that the lenticular apparatus can read the selection on film and construct a lenticular hardcopy of the selected subset of the captured film images.

Taylor, US Patent 5,956,083 discloses a digital camera (Fig. 1) for capturing images to be provided to a lenticular apparatus, comprising: a digital camera (Fig. 1: 101); a memory (Fig. 1: 110) that stores the captured digital images; a processor (Fig. 1, items 114, 118 and 122) for processing the captured digital images, and a user interface (Fig. 1: 138) on the camera that enables a user to select a subset of the captured images, corresponding to displayed digital images, and record the selection prior to delivering a plurality of images for processing such that the lenticular apparatus can read the selection on and construct a lenticular hardcopy of the selected subset of the captured images (Col. 4, line 33 – col. 5, line 40; col. 6, line 37 – col. 7, line 53).

However, Taylor fails to teach or reasonably suggest that the camera is a hybrid camera that can simultaneously capture digital images and film images in a one-to-one matched relationship and that the selection of images are film images.

7.   **Claims 16 and 17** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8.   The following is a statement of reasons for the indication of allowable subject matter:

    Regarding claims 16 and 17, The main reasons for indication of allowable subject matter is because the prior art of records fails to teach or reasonably suggest that the selection of the subset of the motion burst still images is responsive to a user's selection of minimum and maximum clarity of the set of motion burst still images.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

    A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nelson D. Hernandez whose telephone number is (571)

272-7311. The examiner can normally be reached on 8:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

<div align="right">
Nelson D. Hernandez
Examiner
Art Unit 2612
</div>

NDHH
June 17, 2005

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600